

REMARKS

I. Introduction

Claims 1-23 and 30-31 stand rejected. Claims 24-29 which had been withdrawn from consideration by the Examiner, have been cancelled to save fees. In response to the previous restriction requirement, Applicant elected claims 1-23 and 30-31 without traverse.

Claims 1, 7, 14-17, 19, 20, 30, and 31 have been amended. New claims 32-41 have been added. No new matter has been added. The amended and new claims are supported in the originally filed specification and drawings.

Reconsideration of all pending claims and entry and consideration of the new claims is respectfully requested, in light of the amendment and remarks below.

II. Rejection of claims 1-3, 5-11, 13-19 under 35 U.S.C. 102(b)

Claims 1-3, 5-11, and 13-19 stand rejected under 35 U.S.C. 102(b) over the McDonald's Monopoly Game.

The McDonald's Monopoly Game materials cited by the Examiner generally describe a game where individual game pieces represent properties, as in the conventional Monopoly board game. A player wins a prize by accumulating a set of pre-printed pieces of the particular type (e.g., properties of the same colour) and submitting this set of pieces for redemption. Nothing ties the pieces to a particular board or player – e.g., pieces can be swapped between players. The game provider does not know the outcome for a particular player or game piece prior to the player presenting a winning set of game pieces for redemption. The actual number of winners is unknown in advance, although it may be capped by limiting a number of “lucky” game pieces.

Applicant's claim 1 has been amended to be more clear and distinct. Applicant's amended claim 1 recites:

A method of playing a game of chance, comprising:
 receiving an initial ticket including initial game play
information and a unique initial ticket identifier;
 submitting the unique initial ticket identifier as part of a request
to purchase additional game play information not found on the initial
ticket;

receiving additional game play information not found on the initial ticket when the initial ticket was received, the additional game play information associated with the unique initial ticket identifier; and determining if a player is a winner based upon a combination of the initial game play information and the additional game play information.

Applicant respectfully claims that this claim is neither taught nor suggested by the cited McDonald's Monopoly Game. In particular, the McDonald's Monopoly game neither teaches nor suggests "submitting the unique initial ticket identifier as part of a request to purchase additional game play information". The McDonald's Monopoly Game also neither teaches nor suggests that the additional game play information is "associated with the initial ticket identifier" in any way. Batches of game pieces received in the McDonald's Monopoly Game are independent and unrelated. There is no association between the initial game ticket and any additional game play information subsequently received or purchased. The game keeps no record of what player or ticket is associated with particular game pieces, and any additional game information which is received is not tied in any way to the original game information. The additional game pieces received by players can be used with any other game pieces by being swapped, given away, sold, or otherwise completely alienated from the original game ticket and player who received them. Thus, for at least this reason, claim 1 is not anticipated by the McDonald's Monopoly Game. Withdrawal of the rejection is respectfully requested.

Claims 2-3 and 5-6 depend from claim 1, and thus should be allowable for at least the reasons given above for claim 1.

Separately and independently, Claim 5 recites "the second ticket includes a display of the initial game play information." Applicant submits that this limitation is neither taught nor suggested by the cited McDonald's Monopoly game reference. In the cited Monopoly game, the game pieces which are distributed are pre-printed. The outcome is controlled by printing a limited number of "rare" or "lucky" game pieces. These game pieces are not tied to any particular original game board. In contrast, Applicant's claim 5 requires there be a connection between the initial ticket and the second ticket – that they both display the initial game play information. In one example embodiment, this may be conveniently accomplished

by generating the second ticket in response to the submittal of the first ticket and a request to purchase additional game play information, although this particular process is not required by the language of claim 5. The Examiner has not identified where in the cited reference this limitation is taught or suggested; Applicant respectfully requests withdrawal of the rejection. If the rejection is maintained, a more specific identification of the alleged anticipatory material is respectfully requested.

Claim 7 recites “receiving a request to purchase additional game play information, the request including the unique initial ticket identifier”. As was previously discussed above for claim 1, the McDonald’s Monopoly game has no connection whatsoever between successive sets of issued game pieces when these game pieces are issued. Additional game pieces are received without any reference to the initial game pieces in a player’s possession. No information on these previously issued pieces is used in any way in the process of acquiring additional game pieces. Accordingly, Applicant respectfully submits that the recited limitation of claim 7 is neither taught nor suggested by the McDonald’s Monopoly Game, and thus the rejection should be withdrawn.

Claims 8-11 and 13-18 depend from claim 7, and thus should be allowable for at least the reasons given above for claim 7.

Separately and independently, claim 15 recites “the generating of the additional game play information is based in part on the initial game play information.” In the cited McDonald’s Monopoly Game, the information on a player’s initial game piece is unknown at the time the player acquires additional game pieces. In contrast, in the embodiment claimed in Applicant’s claim 15, the initial game play information that a player has received may be taken into account in the generation of additional game information, e.g., to insure that a desired outcome is achieved. Accordingly, this limitation is not met by the McDonald’s Monopoly Game. Claim 17 recites that the outcome for a player is determined prior to providing the additional game play information to the player and that the additional game play information is generated after the determination of the outcome. In the McDonald’s Monopoly Game, the outcome can not be known until after the game play information has been generated and distributed. Accordingly, the cited game neither teaches nor suggests Applicant’s claim 17. Withdrawal of the rejections of claims 15 and 17 is respectfully requested for these additional reasons.

Independent claim 19 recites “after determining the game outcome and responsive to the request to purchase additional game play information, determining additional game play information”. This limitation is neither taught nor suggested by the cited McDonald’s Monopoly Game. As discussed above, meeting this limitation is impossible in the Monopoly game because the outcome can not be determined until after the game play information has been distributed. Accordingly, withdrawal of the rejection of claim 19 is respectfully requested.

III. Rejection of claims 12, 18, 20, 21, and 23 under 35 U.S.C. 102(b) and/or 35 U.S.C. 103(a)

Claims 12, 18, 20, 21, and 23 stand rejected under 35 U.S.C. 102(b) as anticipated by the Monopoly Game. Alternatively, the Examiner has rejected these claims under 35 U.S.C. 103(a) over the same reference.

Claims 12 and 18 depend ultimately from claim 7. Claims 20, 21, and 23 depend from claim 19. Accordingly these claims should be allowable for at least the reasons given above for their parent claims.

Separately and independently, with respect to claim 18, the McDonald’s Monopoly Game does not teach or suggest randomly sampling an entry from a prize pool in order to determine a game outcome. In some of Applicant’s example embodiments, this outcome is then used to generate an appropriate set of game data which indicates the desired outcome. In the McDonald’s Monopoly Game, particular outcomes can not be determined prior to a player redeeming a winning set of tickets. For example, a particular prize may never be awarded because the set of required lucky game pieces may never be reunited. Withdrawal of the rejection of claim 18 is requested for these additional reasons.

IV. Rejection of claims 4, 22, 30, and 31 under 35 U.S.C. 102(b) and/or 35 U.S.C. 103(a)

Claims 4, 22, 30, and 31 stand rejected under 35 U.S.C. 103(a) over the Monopoly Game in view of Dietz (U.S. Patent No. 5,949,042).

Claim 4 depends from claim 1. Claims 22 depends from claim 19. These claims should be allowable for at least the reasons given above for their parent claims.

Claim 30 should be allowable for reasons similar to those given above for claim 1. Claim 31 depends from claim 30 and should be similarly allowable.

V. New claims 32-41

New claims 32-41 recite further aspects of Applicant's invention.

Claim 32- 36 depend from claim 1, and thus should be allowable for at least the reasons given above for claim 1. Claim 36 also recites that the second ticket includes the unique initial ticket identifier. This limitation is neither taught nor suggested by the cited references. In particular, the McDonald's Monopoly game does not appear to have any codes linking individual game pieces together of any sort.

Independent claim 37 recites that the additional game play information is received on a second ticket which also includes a display of the initial game play information. This limitation is neither taught nor suggested by the McDonald's Monopoly game or other cited references, where additional game pieces are distributed without any knowledge of or reference to game pieces already in a player's possession.

Independent claim 39 recites that additional game play information is distributed after determining an additional game outcome. In the cited McDonald's Monopoly game this is impossible, because the outcome can only be determined after a player has received all of the relevant game play information. This is because what pieces are in a particular player's possession is completely unknown to the game operator prior to the player presenting a winning set of pieces for redemption. Claims 40 and 41 depend from claim 39, and should be allowable for at least similar reasons.

VI. Conclusion

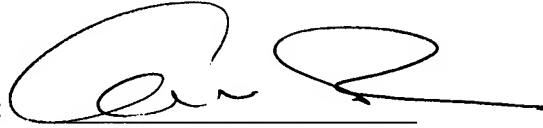
In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Entry of the amendment, and prompt reconsideration and allowance of the present application are therefore earnestly solicited.

The Examiner is invited to telephone Applicant's undersigned representative if any question arises concerning the present application.

Respectfully submitted,

Dated: December 5, 2005

By:

A handwritten signature in black ink, appearing to read 'Andrew L. Reibman', written over a horizontal line.

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